

City of Willoughby Hills  
Planning and Zoning Commission  
&  
Architectural Board of Review

**MEETING MINUTES**  
May 7, 2020

**CALL TO ORDER:** 7:00 P.M.

**PRESENT:** Chairman Tom Elliott, Vice Chairman John Lillich, Mayor Andy Gardner,  
Council Representative Tanya Taylor Draper, James Shannon  
and Ron Lewis, Jr.

**ABSENT:** Jonathan Irvine

**Clerk:** Katherine Lloyd, Clerk

**Also Present:** BZA Representative Frank Cihula, City Engineer Pietro DiFranco

**Also Present in Zoom remote meeting:** Representatives for each of the scheduled projects.

**Correspondence:**

- Email dated 4/21/20 from City Engineer DiFranco RE: Conditional Approval - 2496 Dodd Rd - Protected Area – Thomas (attached)
- Email dated 4/24 from Asst. City Engineer Trepal RE: Conditional Approval- Replacement Signage- Educ. Alternatives- 2882 Cricket Ln. (attached)
- Email dated 4/29/20 from Asst. City Engineer Trepal RE: Detached Garage - 31051 Chardon Rd. (attached)
- Email dated 4/29/20 to News-Herald and Communications RE: PCABR 5/7/20 remote meeting - Zoom Access ID #.
- Email dated 5/2/20 from City Engineer DiFranco RE: Zoning Approval Applications 1/1/20 - 4/30/20 –attached Zoning Approval & Permit Tracker

**Disposition of the Minutes for the Meeting of April 16, 2020**

**MOTION:** John Lillich moved to approve the Minutes of April 16, 2020 as presented.  
Seconded by Jim Shannon.  
**VOTE:** 6 AYES. Motion Passes.  
**Minutes of April 16, 2020 are approved.**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:04 p.m.**

No Public Comments

**Public Portion was closed at 7:15 p.m.**

1. Education Alternatives

Owner: Gerald Schwartz  
Agent/Contractor: Dustin James  
Architect: N/A  
Engineer: N/A

**2882 Cricket Ln. – Conditional Approval- Replacement Signage – PPN: 31-A-008-F-00-025-0  
and PPN: 31-A-008-G-00-028-0**

Plans received by City Engineer 4/24/20  
Plans reviewed by City Engineer 4/24/20

A plan packet of this project was provided to each of the Commission members prior to this evening's discussion by the presenters.

Present: Dustin James, (Advanced Installation Sign) doing permitting for the company.

**Owner/Representative Comments:**

The new sign proposal was submitted. The customers came up with a design. At the request of the Board, we changed the design to a more horizontal look, hugging the ground. They are still hoping to incorporate their colors.

**City Engineer Comments:**

No Report.

**Board Comments:**

(Elliott) The sign that was in the resident's front yard has been lowered in height? *Correct. So it matches the sign that will go in the back of the school? The front sign is 42 inches tall. It extends to the ground with a big address. It looks nice. So it is more in line with the one in the back? The one in the back is about 40 inches tall. Both signs are exactly the same width wise.*

(Shannon) At the last meeting, the objections were the height of the sign and the brightness of the colors. With a smaller surface area, the color is not quite as prominent or as bright.

(Taylor Draper) It blends in nicely.

(Gardner) Our goal was a little more earth-tone. What was the total height of the sign? *It is 42 inches high by 96 inches wide. We are within the square footage of the Code.*

(DiFranco) Just to clarify, the new sign is sitting on the ground. The 42-inch sign is above ground. The 36-inch posts will be below ground.

(Lewis) The 36 inches are required to below the frost line into the foundation? *Yes.*

(Gardner) That was my only question. Please express our appreciation to your client for being flexible. *Thank you. With the Board input, we came up with a nice product.*

(DiFranco) We still need a variance for the setback and the number of signs.

(Elliott) We need to make a motion contingent on the approval of the BZA.

(Gardner) Are we approving both signs? *The back sign was okay.*

MOTION: James Shannon moved to approve the plans for the Conditional Approval- Replacement Signage at 2882 Cricket Ln. as submitted contingent on approval of the BZA.  
Seconded by Tanya Taylor Draper.  
VOTE: 6 AYES (6-0). Motion Passes.

**Additional Discussion:**

(Cihula) The drawing for Sign #1 is not labelled. It needs to have the label 'Sign #1' added to the drawing, the way the back one does. *Okay.*

(Elliott) Sign #1 will be the sign on the street. Sign #2 will be the sign in the back. The papers will be signed at City Hall tomorrow just after 9:00 AM.  
(Cihula) At this point in time, the BZA is not having any meetings. They do still have signage there in the meantime.

2. Jerre Ritchie

Owner: same

Agent/Contractor: TBD

Architect: TBD

Engineer: TBD

**31051 Chardon Rd – Detached Garage – PPN: 31-A-006-A-00-033-0**

Plans received by City Engineer 4/27/20

Plans reviewed by City Engineer 4/29/20

A plan packet of this project was provided to each of the Commission members prior to this evening's discussion by the presenters.

Present: Jerre Ritchie

**City Engineer Comments:**

The detached garage conforms to Code. We have no issue with it. Approval is recommended.

(Richie) Do you have my sketches in front of you? Is there any way I can limit the number of posts or should I stick with what I have? It seems I might have gotten carried away.

(DiFranco) The Lake County Building Department reviews that. You should check with them.

**Board Comments:**

(Elliott) Are the posts set in sonic tubes or concrete columns? *They are 8-inch sonic tubes. The slab would be another 4 inches around the posts.*

(Shannon) I am looking at the overhead view of the garage detail. Is this intended to be used as a garage or as a storage shed? There is no driveway leading back to it. *It will be used mainly as a large storage shed for lawn equipment. A driveway could be installed later.*

(Lillich) I only have a rendition of the left elevation of the garage. We do not know what the front or the rear will look like. *The diagram is the front. There will be a 7' x 10' garage door and a 16" x 42" casement window, which is already ordered. On the east side, there will be a man-door. I do not plan on putting any other windows on the north, east or west sides. It is mainly a storage building but it may be made into a garage by adding a drive later.* Thank you.

(Lillich) Can you tell us what the exterior materials and colors will be?

*The vinyl siding is a combination of two colors: Kessel stone or Herringbone (cream and clay/tan). We will use the same colors when we side our house next year.*

(Elliott) So the dark brown house will eventually match the garage? *Yes, the garage is being made to look like what the house will look like.*

(Elliott) What will the walls be constructed of? *In between the 4-inch posts that we are setting in the 8-inch sonic tubes, will be stud walls with 2" x 4" and 16-inch center walls with 1/2-inch OSB. Siding will be hung outside of that. Will the sill plate for the wall sit right on the concrete? Yes, it is on the concrete slab.*

(Shannon) Looking at the garage detail, it is darker on one side. Will the siding be uniform all the way around? *Above the garage door I have some vertical lines. It will be corrugated black metal. We are using a combination of the two siding colors to match the house. The house is unique with the angles and things.*

*The colors will give some contrast. Siding on the house will be horizontal. Above the garage door on the house will be the same corrugated black metal. The bay will also have the same corrugated metal which gives it the vertical lines. It will be matching.*

(Lewis) The only thing you have to watch is that you are close to being too shallow for asphalt shingles. You need a slope of two inches for every foot. That is an 8 ft. door. *On the one side, it will be a typical 10x7 garage door. The roofline on that one side will be 8-ft. I won't go higher than 12-ft. on the east side The slope will be between 2 ½ and 3/12 slope.*

(Taylor Draper) How long do you think it will take to complete construction? *Starting right away, it will be a couple weeks. I will do most of the work myself with the help of two friends who are contractors.*

(Lillich) The garage will match the house. It sits a considerable distance behind the house which blocks view from the road.

(Shannon) Do we need to include in the motion how soon that house will be sided to match? We would be approving something that is being promised as a match.

(Ritchie) *I have no problem with that. I planned to do the siding, windows and the roofing on the house first. But I had to install a French drain to help with the flooding issue on the property. Buying a new home, we did not know about the flooding and water issue. The house will be done by end of summer next year.*

**MOTION:** John Lillich moved to approve the plans for the Detached Garage at 31051 Chardon Rd. as drawn with the condition that the house and garage be completed with the same exterior finish within 16 months.

Seconded by James Shannon.

VOTE: 6 AYES (6-0). **Motion Passes.**

The signed papers will be at City Hall Building Department tomorrow just after 9:00 AM.

**The Architectural Board of Review portion of this meeting was closed at 7:29 PM.**

## **PLANNING COMMISSION**

**Public Portion opened at 7:29 p.m.**

### **1. Councilman Mike Kline, 38531 Dodd's Landing Drive.**

Commented on the proposal regarding 2695 Dodd Rd.

- As a resident and walker, I was saddened to see all the trees removed and the area barren at the pretty corner or Eagle and Dodd. I want to restore some of the charm.
- As District 1 Representative, I have received numerous phone calls and emails regarding what has happened at this location.
- As the Alternate Council Representative on the Planning and Zoning Commission, I receive documents related to meetings. I have reviewed the information related to meetings. I hope that whatever the Commission approves, that the work be done by a professional organization that is licensed and bonded. This will provide protection for both the property owner and the City.
- The Chagrin River Watershed Partners have reached out to the City and the property owner. CRWP offers review of planting plans, species lists that may be utilized at this location and can assist the City with monitoring for potential future erosion due to the loss of vegetation. CRWP can assist the City or the property owner with any additional questions. I hope both the City and the property owner take advantage of this offer

### **2. Connie Kline, 38531 Dodd's Landing Drive.**

Commented on the proposal regarding 2695 Dodd Rd.

- I hope that Mr. Thomas will be required to submit at least two proposals by licensed, bonded professional contractors approved possibly by the Ohio EPA or the Ohio Department of Natural resources, to be vetted by Willoughby Hills and the Chagrin River Watershed Partners.
- I presume that the finished work will be inspected by the City, possibly the Ohio EPA, the Ohio Department of Natural Resources, and possibly the Army Corps of Engineers
- I would like to know what was piled up and covered with wood chips.
- I am hoping that more than 6 trees at the top of the bank will be required to be planted. According to the proposal, I think there are a sufficient number of stakes.
- Having the bank undermined concerns me the most. It has happened all along the Chagrin River, not just in Willoughby Hills and necessitating re-plantings and shoring up of the river banks.

**Public Portion was closed at 7:34 p.m.**

**1. Talun Thomas**

Owner: Talun Thomas

Agent/Contractor: N/A

Architect: N/A

Engineer: N/A

**2496 Dodd Rd - Conditional Approval - Protected Area – PPN: 31-A-010-F-00-005-0**

Plans received by City Engineer N/A

Plans reviewed by City Engineer 4/21/20

Present: Talun Thomas and his wife.

A plan packet of this project was provided to each of the Commission members prior to this evening's discussion by the presenters.

**City Engineer Comments:**

- Review: This has been a long process with a lot of detail. He read from his report which has been distributed to give a brief history of what happened.
  1. 3/5/2020 - The area along the west bank of the Chagrin River at 2496 Dodd Rd. was cleared of all trees and other natural vegetation by the property owner and his tree service, Sharp Edge Tree and Landscape. Several complaints were received that day from residents about the removal of tree and dropping of those trees into the river. By removal of natural vegetation within a Protected Area is regulated by Willoughby Hills Code 1167.04
  2. 3/6/2020 - A Violation Notice was delivered to Mr. Thomas and he quickly applied for a Protected Area permit that same day.
  3. 3/14/2020 - A Violation Notice was also sent to Darin Blood of Sharp Edge Tree and Landscape. Since this notice was received, the contractor has registered with the Building Department and large, cut tree and branches were removed from the work area. The work area is located along the west bank of the Chagrin River at 2496 Dodd Rd. which has a slope rated greater than 30% and is within 120 feet of the ordinary high water mark due to having a tributary drainage area of 189 square miles. Therefore it is within the Protected Area as defined by Willoughby Hills Code 1167.03.
  4. 3/10/2020 - Recommendations were received from Chagrin River watershed Partners to address the removal of the trees.
  5. 3/31/2020- Mr. Thomas provided a letter from the Army Corps of Engineers with follow up emails dated 3/31/20 and 4/8/20. The letter and emails confirm that the Army Corps authority is below the high water mark. However, that does not relieve the property owner off additional City regulations in Code 1167.

6. This dragged on quite a bit, primarily because of the Covid-19 situation. We have had extensive conversation back and forth involving me, Mt. Thomas and our Law Department. Hopefully we have come to a mutual understanding and can move forward
- Recommendation: In accordance with the recommendations from the CRWP and emails between myself and Mr. Thomas, I recommend approval with the following four conditions.
    1. Install two rows of 30 live stakes each for a total of 60 live stakes installed in a triangular pattern 2-3 feet apart just above the ordinary high water mark as detailed in the Chagrin River Watershed Partners (CRWP) letter.
    2. Install 6 trees at the top of the bank.
    3. Reimburse the City for \$3,115 for the cost of temporary concrete barriers.
    4. Mr. Thomas requested a truckload of soil to fill in holes and level the area. On load of soil may be temporarily stockpiled along the top of the bank on the east side of the temporary concrete barriers and south of the stop sign. The soil will be used to fill holes and level the area to facilitate the planting of the live stakes and trees. Temporary silt fence or straw wattles shall be place along the perimeter of the stockpile to prevent sediment run off from entering the river.
  - In Summary: Our office is just recommending what the CRWP has recommended in their letter

**Owner/Representative Comments:**

Talun Thomas spoke.

- Most of what has been said is absolutely false. I had to pay per tree. According to your 1167 Ordinance, it does not prohibit any removal of dead, diseased or dying trees.
- I hired a landscaper to come out there and test the trees that were going to be removed. There were 18 trees removed. Of those 18 trees, when we removed them and they were ground, they shot out black dust because they were so rotted in the middle. They were diseased and dying. Before I even purchased the property, there were 12 trees already cut and laying on the side of the hill. I showed the remains to Mr. Kline. When we got the property, two trees were dead and laying in the river. No one cared. It was protected. No one took the time to even say let's get those trees out. I paid to have the trees pulled out of the water and have them ground up and removed. Those were part of the 18 trees. The trees we took out of the water had literally taken the soil, lifted it off the ground and put it in the river.
- I called the Army Corps of Engineers. What we have is what they call a "shale bottom hill". The dirt lays on top of it. The more trees you have growing on top of that hill, the more it pushes up. They can't grab because it is shale. Whenever the wind or anything comes along, they go over and into the river. The Army Corps of Engineers agreed with me. That is why I sent the letter to Pete.
- The problem with 66 trees is that we only took out 18 trees. It is only 120 feet long. Putting 66 trees in 120 feet will destroy the side of that hill. It will collapse.
- I own the property. I understand the Ordinance written in 2008. The part that is protected, you don't want it to erode anymore because you have a road going through there. The City has a Right of Way (ROW). They don't own the property. They paid a long time ago to have a road through that property when that person owned it.
- My concern: I have no problem fixing the side of the hill. When I say fixing, I took out 25 bags of garbage before I even owned the property. If it is so protected, why didn't anyone take time to pick up any garbage when they are walking by there every day? This thing is disgusting. There's broken concrete from the City, asphalt from the City. I removed two signs, one 'No Parking' and one 'No Traffic' sign with concrete still on the bottom from the City. If it was protected, no one protected it from them. I needed to make mention of that.
- I talked to Heather from Chagrin Valley Watershed. She said, 'Mr. Thomas, what you are saying is correct about the shale. We are making suggestions. These are not mandates'.
- Lastly, I understand about the money part. If I did damage, it is my property. I am not trying to damage my property. We always intended to make it far more beautiful than what it was. These trees were

hideous. Two of them were falling toward the street. I did nothing to damage anything. According to 1167, you are allowed to take out any trees that are dead, diseased or damaged.

Mrs. Thomas spoke.

- Mrs. Kline spoke about the wood chips. They are not hiding anything. They are sitting there since we chipped the trees. We did not want anything to fall into the river. When they told us not to do anything, our thought was, if we start removing chips or anything flagged down, we would be in violation. That is why the pile is currently sitting there. Those chips could be around the house in my flower beds right now. We did not want the perception that we were doing something we shouldn't

Talun Thomas spoke.

- Lastly, he mentioned there was live vegetation. There wasn't one piece of live vegetation other than those trees taken out. The hillside is more stable now than it has ever been. I walk it every single day. The new trees have already started coming up. They have a chance to grow up now because there aren't dead trees covering over them.
- The reason the side of the hillside was so bad – I mentioned it to Pete and everyone else but they have let it fade - was that when I got there a truck was dumping waste water over the side on a regular basis once a week. I approached the man from the City. He had a City logo on his shirt. I asked how long he had been doing this. He said they have always dumped waste water over the side of this hill. I told him that 'you guys' are the reason most of this stuff is dead and dying.
- I am getting punished twice for trying to replace and make my hillside better than it was when I bought it.

Board Comments:

(Elliott) From Pete's report, it sounds like you and Pete came to some type of agreement, correct?

(Thomas) *No, there is no agreement at all.*

(Gardner) At this point, if there is no agreement, I will recommend we table this. The City provides a fair amount to be a member of the Chagrin River Watershed Partners. So if they provided a recommendation that is not good, Pete felt it had merit. We will revisit that. We will go back and figure out what we need to do to get this right. Clearly, we had an unauthorized contractor cutting down many trees. I have driven by it many times. I have lived there most of my life. I have a hard time believing that everything for is 140 feet was dead. It was clear-cut, whether it was a tree or not. So we will get back in investigating this and proceed from there. If this has not been agreed to, we don't need to spend any more time with the Planning Commission.

**MOTION:** Mayor Gardner moved to table the review of the Conditional Approval- Protected Area at 2496 Dodd Rd pending further review by the City Engineer's office, the Chagrin River Watershed Partners and the Law Department.  
Seconded by John Lillich

Discussion

(Lillich) So we don't get confused, Mr. Thomas owns this house; the land itself he holds title to. There is a big difference. We need to bear that in mind.

**VOTE: 6 AYES (6-0). Motion Passes.**

Additional Discussion

(Shannon) It is incumbent upon us to make sure we investigate dumping of this so called waste water to find out if there is any truth to this. We should ask the department what the policy is. If they are doing it there, are they doing it somewhere else and does it in fact damage the bank. We live down here too and we see how easily the water can erode the banks. If it can speed erosion, it would not be a good policy to continue.

(Gardner) The only vehicle that I know of that we have capable of carrying any waste water is our sewer truck. There is a very specialized facility where it is drained. I don't see anyone putting a hose into the river there.

*(Thomas) That's untrue. I stopped them on multiple occasions.*

(Gardner) That is the only thing I am aware of. We will certainly investigate it and out where it is. We have dump trucks and a variety of other things but the only thing that is capable of doing it is the sewer truck and there really no sewers on that end of town. Mr. Thomas, you can shake your head at me, but I will absolutely find out. I am not aware of anything that involves the City dumping anything into the river.

(Taylor Draper) Do you have receipts, Mr. Thomas? You said you cleaned up the garbage; I would be interest to find out if there is trash and garbage being thrown about. That is important to find out as well.

*(Thomas) When we got there, we took out 25 bags of garbage and put it in our dumpster. The signs and the asphalt – I didn't put the asphalt there. The signs there are still on the concrete – that's the City. I stopped the guy three times for dumping water. He had a City logo. He said specifically he had been doing this for a long time. He said that the houses down the hill flood so we pump the water out for them and then we dump it.*

(Gardner) That would be storm water, not waste water.

*Thomas) You can't guarantee it is safe to do that.*

(Gardner) We've tabled it. We will look into it. We really appreciate your time, tonight.

(Elliott) We will move forward with the meeting.

**The Planning Commission closed at 7:52 p.m.**

#### **Unfinished Business:**

Mr. Lillich made a motion to excuse the absence of Jon Irvine from tonight's meeting.

The motion was seconded by James Shannon. There were 6 Ayes. Motion passed.

*[The vote for the previous motions tonight we corrected from 7 Ayes to 6 Ayes]*

Chairman Elliott inquired about the status of the Quonset Hut barn 2857 Hayes Drive that we planned to review and they have never come to the meeting. Has there been any further communication with them?

Mr. DiFranco reported that they contacted the property owner. He is planning to come to the next meeting on May 21<sup>st</sup>. We still have the drawings. The work he has done is not related to the appearance of the structure. The Board's issue would be the structure's appearance.

#### **New Business:**

None.

#### **Mayor's Report:**

It is our year for Master Plan.

- The City's Budget did include about \$20,000 for consulting. Due to the effect of COVID-19 on the economy, the City is reviewing five income streams that may have serious shortfalls this year. The most critical is out Income Tax. It is nearly impossible to quantify at this time. RITA has provided us with some data. All City department heads and all City officials have been asked to focus spending just for necessities out of our General fund. Dedicated things like the Road and the Sewer Fund where the money cannot be moved anywhere else, we can continue to use. Things that are funded from those other revenue sources, we are trying to go back on things.
- I encourage you to look over the Master Fund books that were distributed. Think about ideas and topics so we can get that on the Agenda and move forward. Things may need to be done through the good graces of our very talented volunteer.



Zoning Inspector – I have had a lot of communication regarding a zoning inspector and a discussion with one of the BZA officials with more information. The Building Department is gathering more information for me. I would expect to have information to share with the Board at our next meeting, if the BZA doesn't meet before that. Anyone who wants to share ideas with me are encouraged to give me a call.

**Council Representative's Report (Tanya Taylor Draper):**

There were two signs approved for The Vault Wine and Spirits at last meeting, which I was unable to attend. I want to make the Board aware that I am an owner of a property a half mile away from the business, the Council Representative for that district and the Association President. I want to make the Board aware of some concerns about The Vault

- A few of the residents have voiced serious concerns of having a liquor store at the end of our block, especially with the ongoing problems with the apartment residents and invasions of our property. They jump the fence. It is private property. They are constantly on the property. There are so many problems.
- There are negative connotations about a liquor store. I want to see the area thrive but not at the expense of losing a nice neighborhood with loud music, beers and cans everywhere.
- At one of the City Council meetings, some of the Stratford owners came forward and voice similar concerns.
- City Engineer DiFranco reached out to the store owner, Mr., Patel who is interested in having a meeting with the Stratford owners together with the Mayor and some of the Council to talk about some of the issues.

**Building Commissioner's Report (Pete DiFranco)**

I distributed a summary of zoning permits that have been issued in the first four months of 2020. There have been about 70 zoning projects. Each project might have several individual permits. The 70 projects have resulted in about \$7,800 in fees collected in 4 months.

(Elliott) What percentage were Residential and what percentage were Commercial?  
(DiFranco) About 80-90%.

**Chairman's Report:**

No report tonight.

**For the Good of the Order (Gardner):**

Please be CAREFUL on our highway! We have had people who are treating the Interstates like the Autobahn. Someone was ticketed at 126 mph recently on I-90. The Chief reported another clocked at 115 mph. The car was out of the jurisdiction before the officer would reach him. PLEASE pass this message along. While driving, watch out for these types. Go 60 mph on Rt. 271 and stay alive!

**Adjournment**

John Lillich moved for adjournment.

Seconded by Tanya Taylor Draper. Voice vote. All in favor. **Motion Passes.**

**The meeting was adjourned at 8:02 p.m. by Chairman Tom Elliott.**

Respectfully Submitted:

Katherine Lloyd  
Katherine Lloyd, Clerk,

T. Elliott  
Chairman  
5/21/20  
Date Approved